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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,068	12/27/2001	Thomas P. Fowler	2001-040-NSC	9440

7590 09/26/2003  
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EXAMINER

INOA, MIDYS

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 09/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/034,068

Applicant(s)

FOWLER, THOMAS P.

Examiner

Midys Inoa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/20/01
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings filed on December 27<sup>th</sup>, 2001 have been accepted by the examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 11-18, 21-28, and 31-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Feldman et al. (6,516,342).

Regarding Claims 1, 7-8, 11, 17-18, 21, 27-28, 31-33, 35-38, and 40, Feldman et al. teaches a system in which a Network Client 14 ("user") extends its memory through the use of an allocated memory area 22a ("allocated storage space") within a Network Server 16. The allocated memory area could be composed of one or more hard disk ("plurality of disk storage devices") as it is common for servers or other computer systems to be equipped with more than one hard drive. Since the memory area 22a is allocated to the Network Client as needed, the remainder of the memory that is not being used is free storage space. Given that the communication between the Network Client and the Network Server is through a network (please see Figure 2) it is understood that the Network Client is located at a site remote from the Network Server. Feldman et al. also discloses a memory server manager 20 ("controller"),

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which administers the use of the server's memory and therefore, must be involved with the allocation of the memory area to the Network Client (Column 4, lines 7-39).

Regarding Claims 2-3, 12-13, and 22-23, Feldman et al. discloses that the memory server manager 20 ("controller") can be run as a user application (Column 4, line 19). It is understood that for the memory server manager to be "run" such application must be composed of some computer software ("computer program"). Furthermore, in order for the memory server manager to "run" it must also have access to a processor, which can process the software that it is composed of.

Regarding Claims 4, 14, and 24, Feldman et al. also discloses a memory server manager 20 ("controller"), which administers the use of the server's memory and therefore, must be involved with the allocation of the memory area to the Network Client (Column 4, lines 15-19). Since this component allocates the memory that the Network Client needs, the realization that such memory is needed acts as a request from the Network Client ("user") to the memory server manager ("controller").

Regarding Claims 5, 15, and 25, Feldman et al. discloses that the memory server manager 20 ("controller") can be run as a user application (Column 4, line 19). It is understood that for the memory server manager to be "run" such application must be composed of some computer software ("computer program"). Since the memory server manager ("computer program", "controller") is located at the Network Server along with the server memory 22a, composed of a number of hard drives ("plurality of storage devices"), both of these components are to be found at a remote server site.

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Regarding Claims 6, 16, 26, 34, and 39, Feldman et al. teaches a virtual memory manager 18 (“storage device manager”) within the Network Client which aids in the migration of data to the remote allocated memory 22a and which logs in a memory server translation table the virtual memory address of the client (Column 5, lines 11-30).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-10, 19-20, and 29-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. (6,516,343).

Regarding Claims 9, 19, and 29, Feldman et al. teaches a system in which a Network Client 14 (“user”) extends its memory through the use of an allocated memory area 22a (“allocated storage space”) within a Network Server 16. Given that the communication between the Network Client and the Network Server is through a network (please see Figure 2) it is understood that the Network Client is located at a site remote from the Network Server. Feldman et al. also discloses a memory server manager 20 (“controller”), which administers the use of the server’s memory and therefore, must be involved with the allocation of the memory area to the Network Client (Column 4, lines 7-39). Feldman et al. does not teach the use of the memory server manager to decrease the amount of memory space that is allocated to the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to give the memory server manager the ability to decrease the amount of memory being allocated to

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the Network Client since such ability would enable the system to allocate memory more efficiently to other applications when the Network Client does not need all the memory that is being allocated to it.

Regarding Claims 10, 20, and 30, Feldman et al. also discloses a memory server manager 20 ("controller"), which administers the use of the server's memory and therefore, must be involved with the allocation of the memory area to the Network Client (Column 4, lines 15-19). Since this component allocates the memory that the Network Client needs, the realization that such memory is needed acts as a request from the Network Client ("user") to the memory server manager ("controller").

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Midys Inoa whose telephone number is (703) 305-7850. The examiner can normally be reached on M-F 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (703) 306-2903. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Midys Inoa*  
Midys Inoa  
Examiner  
Art Unit 2188

MI

*Mano Padmanabhan*  
8/25/03

MANO PADMANABHAN  
SPE - TC 2100